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SELECTED STATISTICS ON CANADIAN FAMILIES AND FAMILY LAW

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INTRODUCTION

The following pages contain information on families in Canada, characteristics of those families and information on family law topics such as marriage, divorce, support awards and payments, custody and access. In order to produce the best picture of the circumstances of families in Canada, it is necessary to compile information and statistics from a number of different sources. At the heart of these sources are the many surveys undertaken by Statistics Canada that measure various facets of Canadian life. Additional information has been gleaned from reports produced by other organizations using Statistics Canada data. Therefore, when the term "family" appears in the document it generally refers to the Statistics Canada definition of family: a currently married or common-law couple with or without never-married children, or a single parent with never-married children, in the same dwelling.

Every attempt has been made to include the most recent information available. For example, Statistics Canada has been releasing data from the 1996 Census over the last year. As relevant information is made public, it will be used to update this document. Other Statistics Canada surveys of interest are the annual Survey of Consumer Finances, the Longitudinal Administrative Database (from annual tax files), and the divorce and marriage statistics.

There are two additional Statistics Canada surveys of particular interest: the 1990 and 1995 General Social Surveys (GSS) and the National Longitudinal Survey of Children and Youth (NLSCY), which began in 1994. Both surveys collect information on family law issues such as divorce, separation, support payments, custody and access. However, since the data from these two surveys have only recently been released, none have been sufficiently explored or analyzed for inclusion in the present version of this document. It is expected that contracted analyses of the data on custody arrangements, contact between absent parents and their children, the amount of financial support paid and received, and other topics will be completed within the next four to six months. Updated versions of this report will be produced, either as individual fact sheets to be added to the present document, or as full-version replacements as more updated information becomes available.

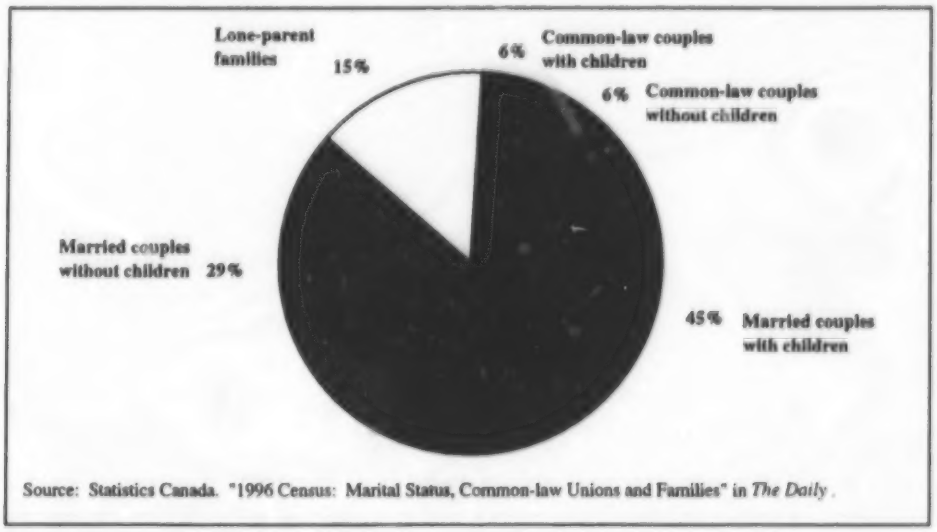
The appendix to this document contains a brief description of the two surveys, the GSS and the NLSCY, as well as descriptions of the other sources of information contained in this document. The bibliography provides details on the various sources from which the information was obtained.

FAMILY DEMOGRAPHICS

Family Structure

While the number of people living in families in Canada has been slowly declining, the majority (84 percent) of the population still lives in a family setting. In 1996, married couples with children represented 45 percent of all families, 29 percent of families were married couples without children, 15 percent were lone-parent families, 6 percent were common-law couples with children, and 6 percent were common-law couples without children.

Figure 1 Family Structure as a Proportion of all Families (1996)



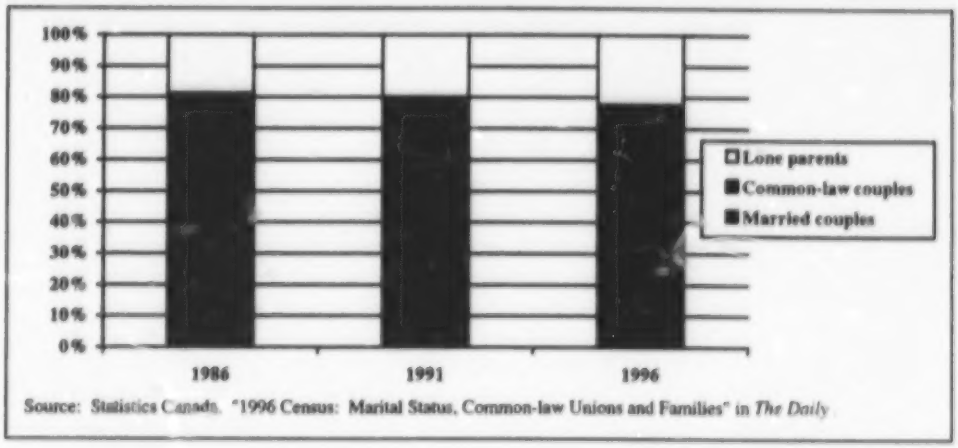
Source: Statistics Canada. "1996 Census: Marital Status, Common-law Unions and Families" in *The Daily*.

Families with Children

The number of families with children, as a proportion of all families in Canada, has remained consistent over the past decade. For example, in 1986 the number of families with children constituted 67 percent of all families. In 1991 and 1996 the percentage of families with children was stable at 66 percent.

Although the proportion of families with children has remained stable, the type of families with children has changed within the last 10 years. The proportion of married-couple families with children decreased steadily from 1986 (77 percent) to 1996 (69 percent). This decrease is reflected in the increase in both common-law families with children and lone-parent families. For example, the proportion of common-law families was 4 percent of all families with children in 1986, increasing to 8.5 percent in 1996. The number of lone-parent families increased from 19 percent of all families with children in 1986 to 22 percent in 1996. Figure 2 illustrates these trends.

Figure 2 Families with Children by Family Structure (1986-1996)



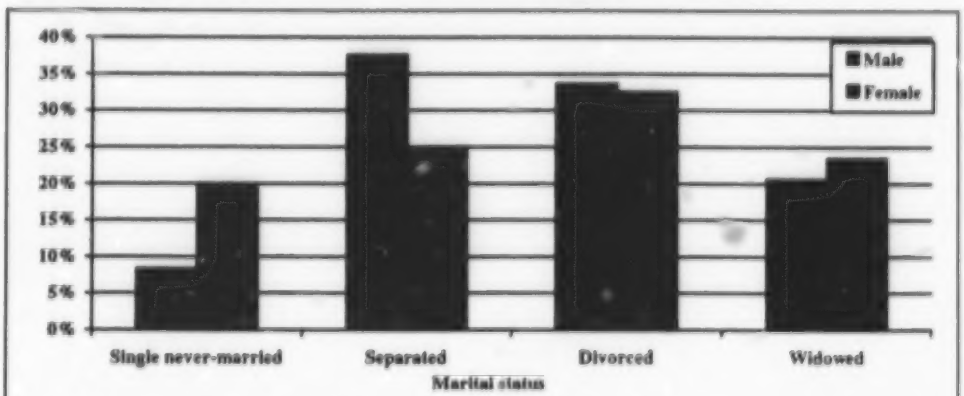
Source: Statistics Canada, "1996 Census: Marital Status, Common-law Unions and Families" in *The Daily*.

Lone-parent Families

Lone-parent families are much more likely to be headed by women than by men. For example, in 1996, women headed the family in 83 percent of all lone-parent families, while men headed a lone-parent family in 17 percent of the cases. Although the number of lone-parent families has been increasing, the proportion of female to male lone parents has remained relatively stable over the past decade.

The majority of female lone parents were divorced (32.5 percent) or separated (24.6 percent) in 1991. Similarly, most male lone parents were also divorced (33.6 percent) or separated (37.6 percent). Men and women are less often lone parents due to the death of a spouse (20.6 percent and 23.4 percent respectively) compared to the 1950s and 1960s, when almost two-thirds of male and female lone parents were widows or widowers.

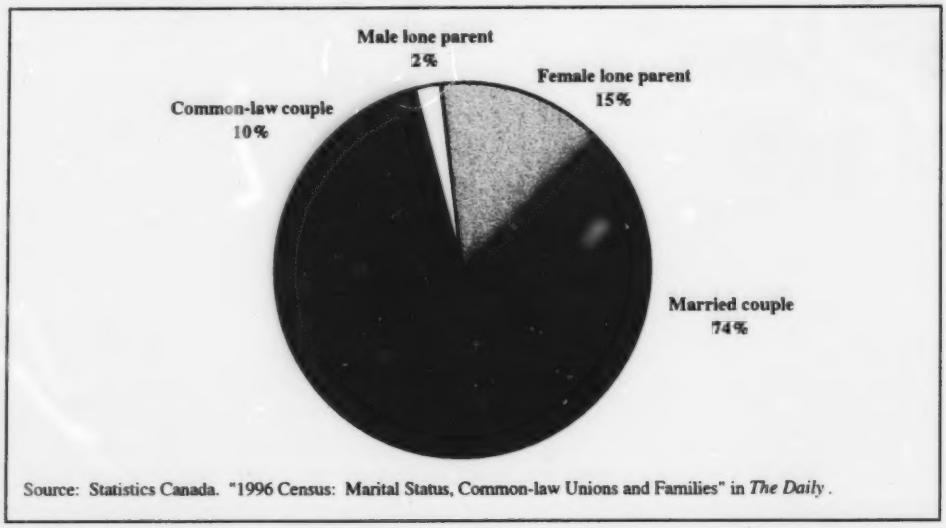
Figure 3 Marital Status of Male and Female Lone Parents (1991)



Source: Statistics Canada, by Colin Lindsay. *Lone-parent Families in Canada*.

Although most children under the age of 17 belong to families in which the parents are married (74 percent), a significant proportion of children belong to lone-parent families (17 percent). Most of these children live in lone-parent families headed by women (15 percent) as compared to those headed by men (2 percent).

Figure 4 Proportion of Children in Private Households by Family Structure (1996)



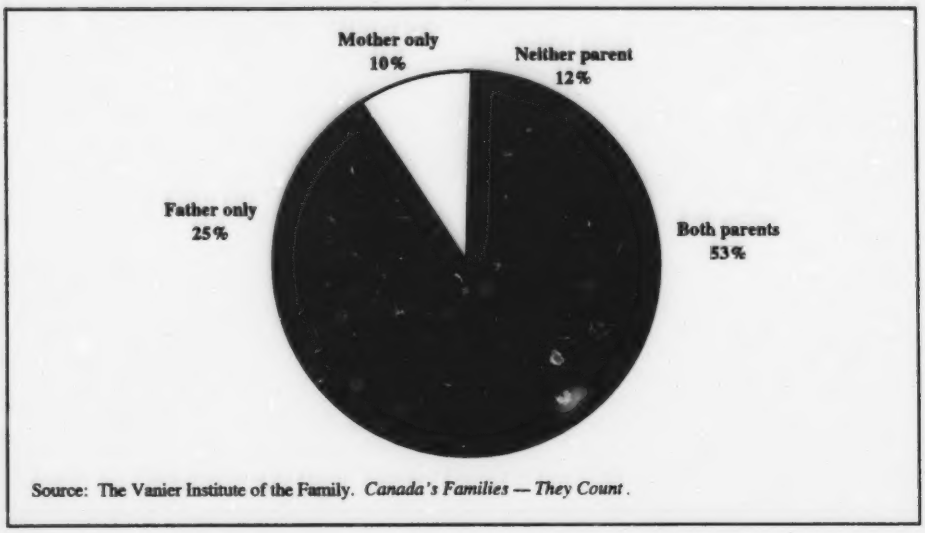
Source: Statistics Canada. "1996 Census: Marital Status, Common-law Unions and Families" in *The Daily*.

Between 1991 and 1996, the number of children living with a lone parent increased 19 percent to just under 1.8 million. In 1996, four out of every five (84 percent) lived with a female lone parent.

Family Income

The average family income increased for most family types in the 1980s, but the recession between 1989 and 1991 levelled out these gains. As a result, family incomes have remained relatively stable for the last few years. The number of dual-income families has increased significantly in the past 20 years. In 1993 for example, 53 percent of all families with children under 19 years of age had both parents working. Families in which only the father was employed were less common (25 percent), as were families in which only the mother was employed (10 percent).

Figure 5 Labour Force Participation of Couples with Children (1993)



Source: The Vanier Institute of the Family. *Canada's Families — They Count*.

Family Poverty

Low income cut-offs (LICOs) are frequently used as the basis for determining poverty levels, although Statistics Canada warns that they "have no official status, and [Statistics Canada] does not promote their use as poverty lines" (*Poverty Profile 1995*). LICOs represent levels of gross income where people spend disproportionate amounts of money for food, shelter and clothing. It has been determined that low-income Canadians spend an additional 20 percent of their gross income on the necessities of life than does the average Canadian family. The number of families with an income falling below the cut-offs in Canada was approximately 1,187,000 in 1995, or 14.4 percent of all families. Most of these families (33.2 percent) were couples under the age of 65 with children. Of all poor families, 27.2 percent were headed by single mothers; 16.6 percent were childless couples under 65; 5.9 percent were couples 65 or older; and 17.1 percent were classified as other, which includes families such as couples with children 18 or older, families headed by single fathers, and brothers and sisters who live together.

Table 1 Families and Poverty (1995)

Type of family	Poor families	
	Number	Percent
Couples under 65 with children	394,000	33.2
Single mothers	323,000	27.2
Other families	203,000	17.1
Childless couples under 65	197,000	16.6
Couples 65 or older	70,000	5.9
TOTAL	1,187,000	100.0

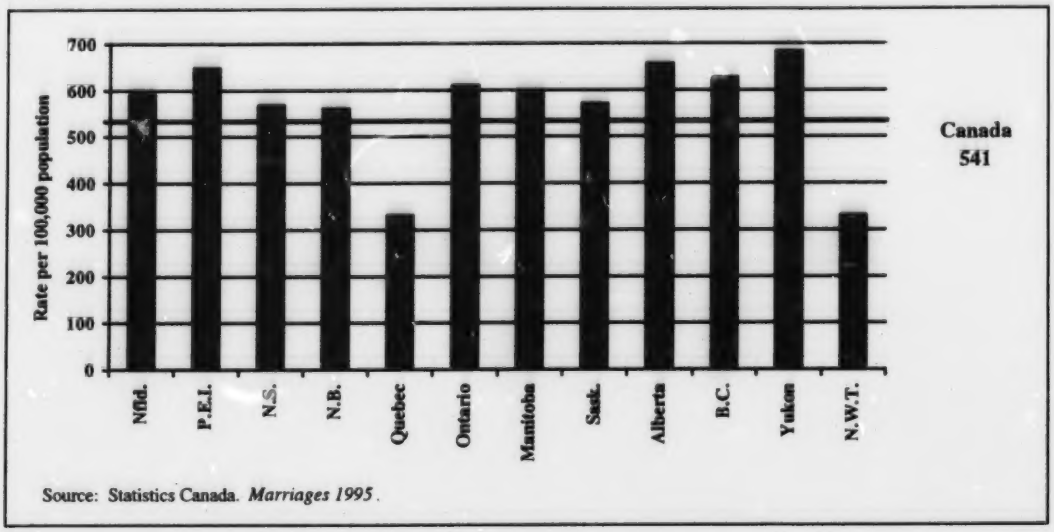
Sources: National Council of Welfare. *Poverty Profile 1995*. The Vanier Institute of the Family. *Canada's Families — They Count*.

MARRIAGE AND DIVORCE

Marriage

The overall marriage rate for Canada was 541 marriages per 100,000 population in 1995. Marriage rates did not vary greatly among the provinces and territories. For example, all provinces and territories, with the notable exceptions of Quebec and the Northwest Territories, had marriage rates slightly higher than the national average of 541 per 100,000 population.

Figure 6 Marriage Rate — Provinces and Territories (1995)



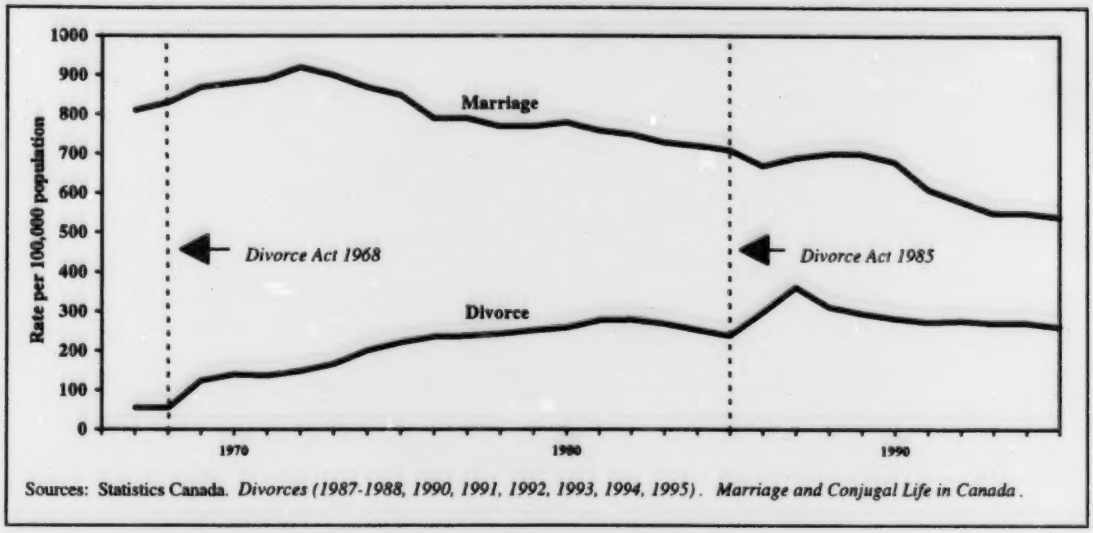
Source: Statistics Canada. *Marriages 1995*.

Canada's 1995 marriage rate was the same as that in Australia at 5.4 marriages per 1,000 population. The marriage rate in the United States is somewhat higher than either Canada's or Australia's at 8.9 marriages per 1,000 population.

Trends in Marriage and Divorce

Figure 7 graphically illustrates the trends in divorce and marriage in Canada over the last 30 years. Of particular interest, however, are the trends surrounding the changes in the *Divorce Act* that took place in 1985.

Figure 7 Marriage and Divorce Rates in Canada (1967-1995)



Sources: Statistics Canada. *Divorces (1987-1988, 1990, 1991, 1992, 1993, 1994, 1995)*. *Marriage and Conjugal Life in Canada*.

Between 1982 and 1985 the rates of divorce declined in anticipation of amendments to the *Divorce Act*. With the 1985 amendments, it became easier to obtain a divorce as the necessity to prove fault was reduced, and marriage breakdown (separation for at least one year) became the more prominent ground for divorce. Due to those waiting for the new divorce laws, the rates of divorce rose significantly during the two years following the implementation of the *Divorce Act*, particularly in 1987. Since that time Canadian divorce rates have shown a slight overall decline to a rate of 262.2 per 100,000 population in 1995 (see Figure 7). In fact, when the divorce rate per 100,000 legally married population — as opposed to overall population — is considered, the divorce rate has not changed dramatically since the 1980s. In 1995, the divorce rate was 1,222 per 100,000 legally married population while the rate in 1982 was 1,215 per 100,000 legally married population.[1]

Marriage rates also increased between 1986 and 1989, probably reflecting the backlog of divorcing couples who were able to marry again once their divorces were finalized. Since 1990, both marriage and divorce rates have been decreasing.

Grounds for Divorce

Statistics Canada reports annually on the number of finalized divorces in Canada. Data for these reports are collected each year by the Central Registry of Divorce Proceedings and include selected characteristics of the parties such as age of husband and wife, and length of marriage. These publications also report the number of dependent children involved in custody orders accompanying final divorce judgements (see p. 10 for information on the limitations of the data on custody orders).

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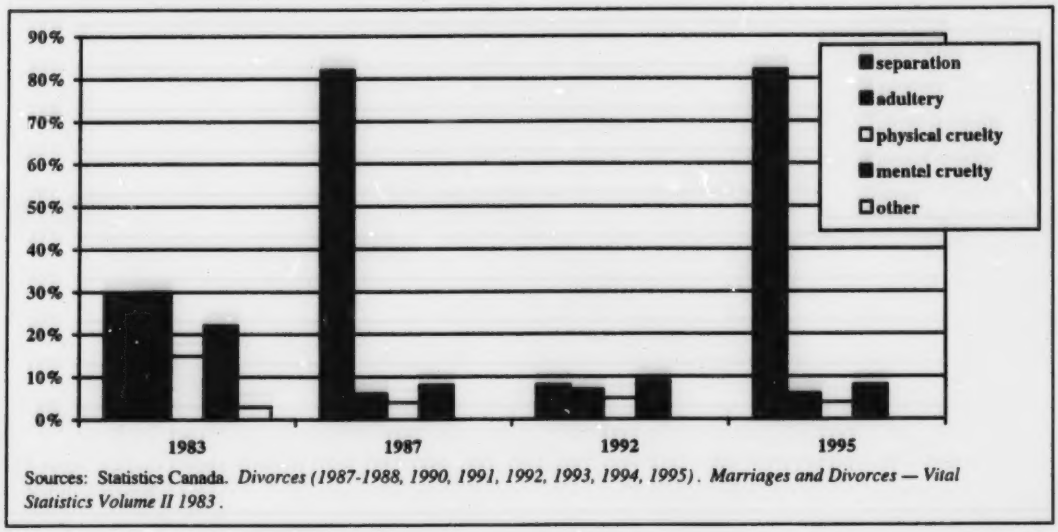
[1] Statistics Canada. "Divorce in the 1990s" in *Health Reports*, Vol. 9, (2), p. 55, Catalogue No. 82-003-XPB, 1997.

As mentioned earlier, prior to 1986 there was a greater number of grounds for divorce in Canada. Grounds for divorce included marital breakdown (desertion, imprisonment or separation for at least **three** years) and marital offences (physical or mental cruelty). Amendments to the *Divorce Act* in 1985 reduced the number of grounds to separation of not less than **one** year, adultery, and/or physical or mental cruelty. Prior to 1986, the most common grounds for divorce were adultery and separation; with the amendments, separation became the most widely used ground by a large margin (over 80 percent).

Figure 8 Comparison of Grounds for Divorce — Canada Before and After 1985

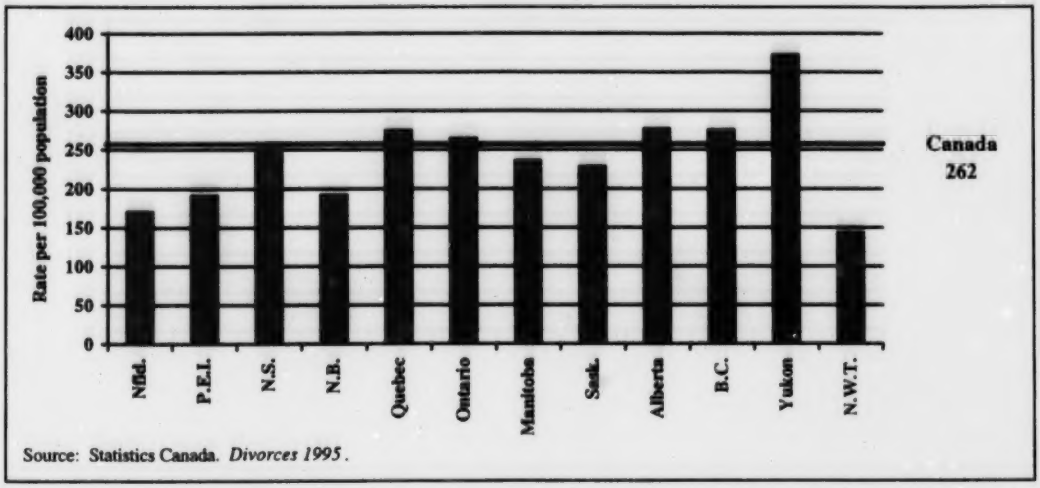


Sources: Statistics Canada. *Divorces (1987-1988, 1990, 1991, 1992, 1993, 1994, 1995). Marriages and Divorces — Vital Statistics Volume II 1983.*

Provincial Divorce Rates

The provincial divorce rates for 1995 are presented in Figure 9 (see p. 9). As can be seen, divorce rates among the provinces and territories varied slightly compared to the overall divorce rate for Canada, which was 262 divorces per 100,000 population. However, there were some patterns. For example, all of the Atlantic provinces were below the national divorce rate and the four most populous provinces — Quebec, Ontario, Alberta and British Columbia — were slightly above.

Figure 9 Divorce Rates — Provinces and Territories (1995)



Source: Statistics Canada. *Divorces 1995*.

In comparison to some other western industrialized countries, Canada's divorce rate of 2.7 per 1,000 population in 1995 is either comparable or relatively low. For example, the divorce rate per 1,000 population was 2.7 in Australia in 1995; 3.0 in the United Kingdom; and 4.0 in the United States.

Duration of Marriage/Age at Time of Divorce

In 1995 the median duration of marriages in Canada was 10 years at time of divorce. The average age of divorcing males was 40.5 years compared to an average of 37.8 years for divorcing females.

CHILD CUSTODY

Statistics Canada has been publishing information on custody arrangements taken from custody orders, reported by the Central Registry of Divorce Proceedings, since the early 1970s, and these data are summarized in the figures and text that follow. The reader should be aware, however, that Statistics Canada attaches a strong caveat to these data, noting that they under represent both the number of custody orders and the number of dependent children[2] involved in divorce situations. These problems are cited in Statistics Canada's annual *Divorces* publication in the Data Quality section:

> Data relating to child custody and dependent children, however, are not complete, because some court offices do not always provide data elements pertaining to child custody, and because not all child custody arrangements are recorded on the divorce registration form. Some custodial arrangements are not pursuant to a court order. In cases in which the parties reached a decision about custody of the children beforehand and the court did not have to adjudicate, the children may not be entered into the record of divorce. Consequently, the total number of custody orders and the total number of dependent children affected by divorce are underestimated by the divorce registration data.[3]

Of all divorces in 1995 in Canada, the Central Registry of Divorce Proceedings reported that 49 percent involved dependent children. Divorces involving custody orders showed that 41.5 percent involved one dependent child, 43 percent involved two dependent children, 12 percent involved three dependent children, 3 percent involved four dependent children and 0.3 percent concerned five or more dependent children.

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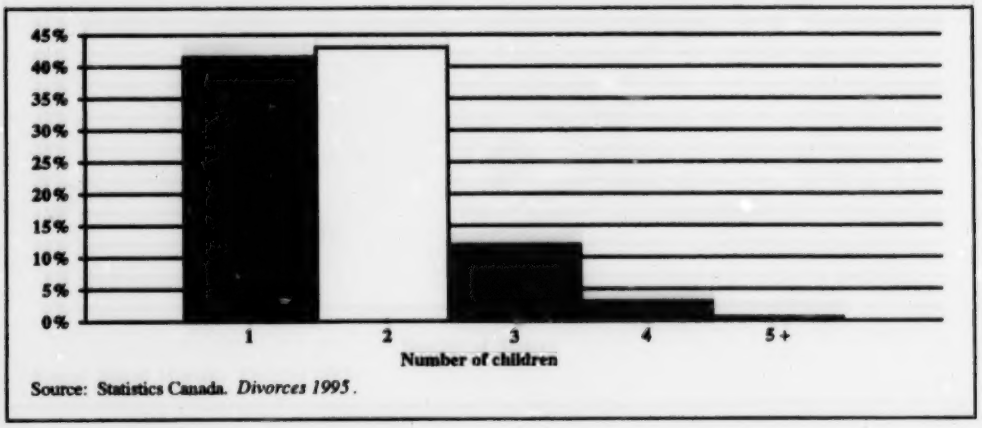
2 "Dependent child" is defined in the *Divorce Act* as a child under the age of majority who has not withdrawn from the parents' charge or a child the age of majority or over who is under their charge and is unable by reason of illness, disability or other cause to withdraw from their charge or to obtain the necessities of life.

3 Statistics Canada. *Divorces 1995*, Catalogue No. 84-213-XPB, p. xi.

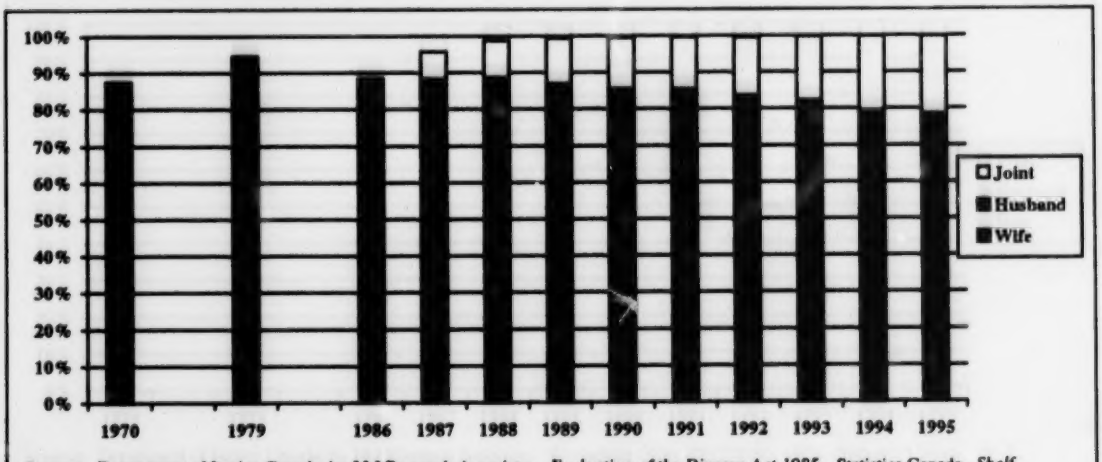
Figure 10 Divorces Involving Custody Orders by Number of Dependent Children (1995)



Source: Statistics Canada. *Divorces 1995*.

Figure 11 below shows the percentage of children by custody type for the years 1970 and 1979, and from 1986 to 1995. Prior to the amendments to the *Divorce Act* of 1985, the form that collected information on custody orders did not contain an option for "joint custody," thus no numbers are available prior to this time. Further, joint custody can mean one of two qualitatively different things: either joint **legal** custody — the sharing of major decision-making by the parents on the future of their children; or joint **physical** custody — the sharing of the children at each of the parents' residences.

Figure 11 Proportion of Dependent Children by Custody Arrangement (1970-1995)



Sources: Department of Justice Canada, by J&J Research Associates. *Evaluation of the Divorce Act 1985*. Statistics Canada. *Shelf Tables: Marriages and Divorces — Vital Statistics 1986. Divorces (1987-1988, 1990, 1991, 1992, 1993, 1994, 1995).*

Figure 11 shows a steady decline in the proportion of children who were the subject of sole custody orders and an increase in the proportion of children subject to joint custody orders. There could be a number of explanations for this pattern. It could mean there was an actual increase in joint **residential** arrangements since 1986, or the numbers may reflect an increase in the use of joint **legal** custody by divorcing couples, with the majority of these children residing with the mother. Due to the greater use of the term "joint custody," it is unclear what trend custody arrangements from the courts have taken. Moreover, while the 1997 amendments to the *Divorce Act* and the Child Support Guidelines provide for split custody, shared custody and sole custody, all these terms refer to living arrangements and may or may not have any relationship to the legal status of the custody of the child or children. Unfortunately then, the Central Registry of Divorce Proceedings will likely remain an inadequate source of information on the trends surrounding custody and access.

CHILD AND SPOUSAL SUPPORT PAYMENTS[4]

Number of Families Receiving Support Payments

In 1995, the number of families reporting support payments as a source of income was 301,553. Of these families, 8.8 percent were categorized as a single person, thus implying the payment is spousal support rather than child support. Two-parent families constituted 30.6 percent of these families and lone parents made up 60.7 percent. Out of all lone-parent families, 1 percent were male lone-parent families and 99 percent were female lone-parent families.

Table 2 Number of Families Reporting Support Payments as a Source of Income (1995)

Type of family	Number of families	Proportion of families (%)
Single person	26,409	8.8
Two-parent families	92,141	30.6
Lone-parent families	183,003	60.7
Total	301,553	100.0

Source: Statistics Canada, Household Surveys Division. *Survey of Consumer Finances.*

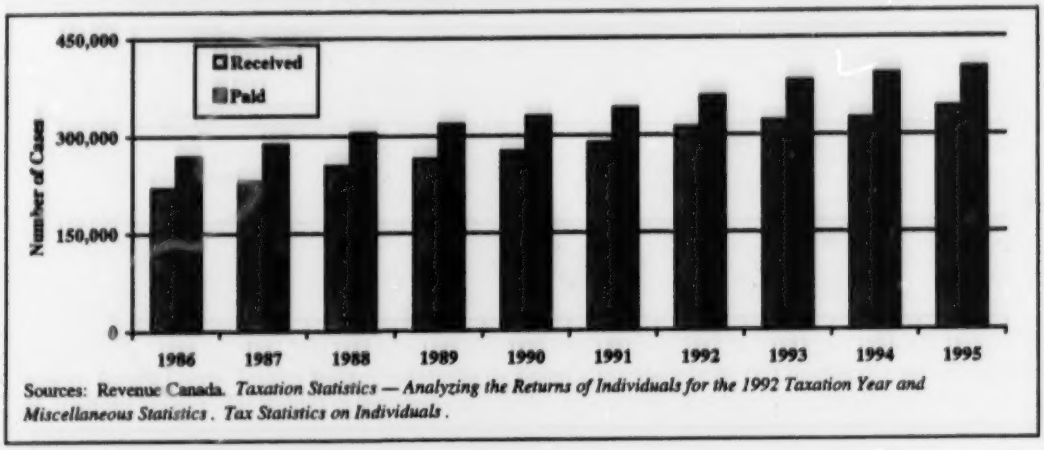
In 1995, the rate at which female heads of the family reported support payments as a source of income (6194.8 per 100,000) was much higher than that of male heads of the family (1021.8 per 100,000).

Number of People Paying and Receiving Support between 1986 and 1995

The number of people paying and receiving support has been increasing steadily since 1986. Between 1986 and 1995, the number of people receiving support has increased 47.7 percent, while the number of people paying support has increased 46.5 percent.

[4] Though most of the surveys use the term "alimony" to indicate support payments received or paid, this term does not distinguish between child support and spousal support. To avoid confusion, the term "alimony" is not used in this document.

Figure 12 Support Paid and Received (1986-1995)

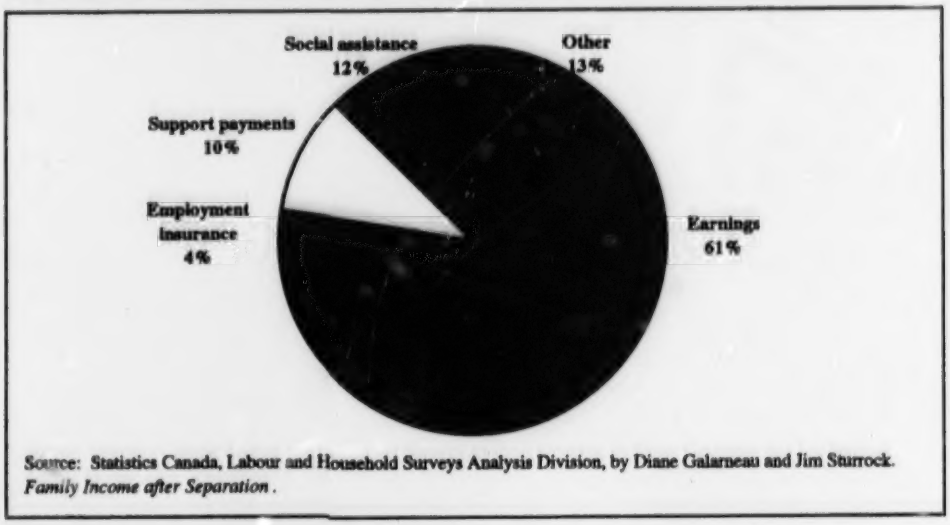


Sources: Revenue Canada. *Taxation Statistics — Analyzing the Returns of Individuals for the 1992 Taxation Year and Miscellaneous Statistics*. *Tax Statistics on Individuals*.

Sources of Income

In a recent study on family income after separation, it was found that if we look at the share of income provided to women from various sources, support payments (both spousal and child support) made up only 10 percent of total personal income for women who had been separated for one year. Earnings from employment, social assistance and other sources (i.e. family allowance, investment income and dividends, pension, RRSP income etc.) tend to be a greater source of personal income for recently separated women. It is worth noting, however, that if we look at the proportion of **individuals** receiving each source of income, a full 35 percent of women who have been separated for one year derive some income from support payments.

Figure 13 Sources of Income for Women Separated One Year



Source: Statistics Canada, Labour and Household Surveys Analysis Division, by Diane Galarneau and Jim Sturrock. *Family Income after Separation*.

STATISTICS CANADA SURVEYS

The General Social Survey (GSS)

The General Social Survey is a telephone survey of a random sample of Canadians 15 years of age and older. It consists of a lengthy and detailed questionnaire that individuals, selected for the sample, are asked to answer. The sample consists of 10,749 people and is used to prepare estimates that correspond to the national population. Statistics Canada began collecting data for the GSS in 1986 as part of its effort to collect more detailed information on five general topics on a rotating basis. In 1990, the GSS collected its first cycle of data on "Family and Friends." This survey was repeated in 1995, though with more emphasis on families and their characteristics.

The GSS is detailed enough and provides a sufficient sample to allow analysis of particular interest in the area of family, divorce and custody. It will be possible to provide information on the marital status of respondents, marital/common-law histories, sources of income, levels of education, types of households, living arrangements for families and children, issues surrounding reconstituted families, how often parents see their children and the situations surrounding divorces, to name but a few possibilities. However, the data from this survey have only recently been released and very little has been done to date by way of analysis.

National Longitudinal Survey of Children and Youth (NLSCY)

This is a biennial survey of 25,000 children starting with those under the age of 11. The first cycle was collected in late 1994. The same families are to be surveyed every two years for eight years (four cycles), with additional children (zero to one year old) added each cycle. The survey has a section entitled "Family History and Custody," which contains information on support payments, custody and access to children by absent parents. While all other sections of the first cycle of the survey have been released over the past year, this last section is to be released to the public in the spring of 1998. The second cycle of data has already been collected (in late 1996). Once the first two cycles of data have been edited and compiled, this survey shall provide some excellent information on the changes in custody and access arrangements over time.

Central Registry of Divorce Proceedings (CRDP)

The registry contains data on every divorce application and judgement filed in Canada since 1970. The Department of Justice Canada enters the information into a database which is then sent to the Health Division of Statistics Canada for editing and publication in its annual report on divorces in Canada. The unit of count is the number of finalized divorces in a calendar year. This report includes dates of marriage, divorce and custody, number of children and dates of birth of children. Some data quality problems have been identified with the information collected on the type of custody due to the lack of a precise definition of "joint custody."

Survey of Consumer Finances (SCF)

This is an annual survey that collects information on sources of income using a telephone survey of 10,000 households. Alimony (child and spousal support) is collected as a data element. The survey will provide socio-demographic information on persons who receive support — such as age, marital status, occupation, education, other sources of income and levels of income — that is missing from the Tax Statistics (see Revenue Canada, p. 17).

Survey of Labour Income Dynamics (SLID)

This is a longitudinal survey of households, similar in content to the Survey of Consumer Finances except that the same households are surveyed every two years. Started in 1994, it collects support payments as a separate data element in sources of income. The first cycle results are just now being published. We will be able to examine the changes in levels of support received over time and to monitor other changes, such as those in the population that receives support.

Longitudinal Administrative Database (LAD)

This is a longitudinal file created by Statistics Canada from each year's income tax returns. Revenue Canada sends Statistics Canada a complete database of income tax returns (20-month delay). With each year of data, Statistics Canada creates a Family File (T1FF) by matching respondents within the file based on Social Insurance Numbers (SIN) and addresses and by adding other information contained in each return (e.g. number of children, from those claimed). From family files, a 10 percent sample is drawn from SIN and their files are retrieved from the following years. This longitudinal file constitutes the LAD file. It contains information from the income tax file on the number of payers and recipients of support and the dollar amounts. The file is now 13 years "long," dating from 1982 to 1994. Like other longitudinal databases, the richness of this data set allows for the examination of trends over time. For instance, it allows users to match payers and recipients and to examine levels of support paid and received over time.

REVENUE CANADA DATA

Tax Statistics

Information is taken from income tax returns — the number of payers and recipients of support, as well as the dollar amounts. Through its Statistics Division, Revenue Canada publishes basic statistical tax data on various characteristics, such as the number of returns, total number of persons reporting the different income items and deductions, and the total amounts reported in those categories. As well, these items may be broken down further by the total incomes of individuals.

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